

ACTION
OCA 87-2028

OFFICE OF CONGRESSIONAL AFFAIRS

Routing Slip

	ACTION	INFO
1. D/OCA		X
2. DD/Legislation	X	
3. DD/Senate Affairs		X
4. Ch/Senate Affairs		
5. DD/House Affairs		X
6. Ch/House Affairs		
7. Admin Officer		
8. Executive Officer		
9. FOIA Officer		
10. Constituent Inquiries Officer		
11. <input type="text"/>		X
12. <input type="text"/>		

SUSPENSE

26 May 87
Date

Action Officer:

Remarks: Completed 13 May 87
by telephone call - no objection

cmc 14 May 87

Name/Date

*Swider
P/S. concern
for me*



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503
May 6, 1987

file - reg. sh.
SPECIAL

LEGISLATIVE REFERRAL MEMORANDUM

O/CONGRESSIONAL AFFAIRS

87-2028

TO: Legislative Liaison Officer -

Department of Justice
Department of Defense
National Security Council
Arms Control and Disarmament Agency
Department of Health & Human Services
Central Intelligence Agency

SUBJECT: State draft report on H.R. 901, "Biological Weapons Act of 1987.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than TUESDAY, MAY 26, 1987.

Questions should be referred to **SUE THAU/ANNETTE ROONEY** (395-7300), the legislative analyst in this office.

Ronald K. Peterson

RONALD K. PETERSON FOR
Assistant Director for
Legislative Reference

Enclosures

cc: J. Cooney
G. Rawitscher

SPECIAL



United States Department of State

Washington, D.C. 20520

Dear Mr. Chairman:

The Secretary has asked me to reply to your letter of February 25, 1987, inquiring about the State Department's views regarding H.R. 901, to "implement the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes."

Article IV of the Biological Weapons Convention provides that each state "shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in article I of the Convention, within the territory of such state, under its jurisdiction or under its control anywhere."

The Administration supports efforts to establish criminal penalties for activity prohibited by the Biological and Toxin Weapons Convention. The proposed legislation would supplement existing laws, such as the Toxic Substances Control Act of 1976, and would serve to close any possible loopholes.

We would suggest, however, that the qualification of any agent, toxin, or delivery system "for use as a weapon of mass destruction" be amended to read "for use as a weapon...". The inclusion of the reference to mass destruction would preclude the leveling of criminal penalties on an individual who had engaged in prohibited activities with a small amount of agent or toxin, such as for terrorist purposes.

Thank you for your inquiry on this matter. Please do not hesitate to call on me for further assistance on this or any other matter.

The Honorable
Peter W. Rodino, Jr.,
Chairman,
Committee on the Judiciary
House of Representatives.

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The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

With best wishes,

Sincerely,

Louise R. Hoppe
Acting Assistant Secretary of State
Legislative and Intergovernmental Affairs